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Docket No.: 117P1846US01

Remarks

Claims 1-48 are pending in this patent application. Claims 49-51 have been added.

The Examiner has rejected claims 1, 7, 12, and 13 under 35 U.S.C. 102(b) as being anticipated by Celestine.

Regarding claim 1, which recites that the cavity is configured and arranged to contain a rodent and the wall portion, the floor portion, the front portion, the top portion, and the sides define the cavity, Applicants respectfully submit that the interior 15 exposed by the swinging front wall/ramp 14 and the insertion opening 18 of Celestine do not allow the cavity to contain a rodent because the rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent because the insertion opening 18 is open. Because the cavity of Celestine is not configured and arranged to contain a rodent, claim 1 is not anticipated by Celestine and it is respectfully requested that claim 1 be allowed.

Further, claim 1 recites that the trap assembly provides access to the cavity, allows the rodent to enter the cavity, and prevents the rodent from exiting the cavity. In Celestine, it is the front wall/ramp 14 and the insertion opening 18 that provide access to the cavity, it is the front wall/ramp 14 that allows the rodent to enter the upper portion of the cavity, and the rodent box 40 that prevents the rodent from exiting the lower portion of the cavity. Because the trap assembly of Celestine does not provide access to the cavity, allow the rodent to enter the cavity, and prevent the rodent from exiting the cavity, claim 1 is not anticipated by Celestine and it is respectfully requested that claim 1 be allowed.

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Because claim 7 depends upon claim 1, claim 7 is also not anticipated by Celestine and it is respectfully requested that claim 7 be allowed.

Regarding claim 12, which has been amended to recite that the cavity is configured and arranged to contain a rodent within the housing, Applicants respectfully submit that the interior 15 exposed by the swinging front wall/ramp 14 and the insertion opening 18 of Celestine do not allow for the rodent to be contained therein because the rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, the housing of Celestine does not contain a rodent because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, the housing of Celestine does not contain a rodent because the insertion opening 18 is open. Because the cavity of Celestine is not configured and arranged to contain a rodent, claim 12 is not anticipated by Celestine and it is respectfully requested that claim 12 be allowed.

Further, claim 12 recites that the trap assembly provides access to the cavity. In Celestine, it is the front wall/ramp 14 and the insertion opening 18 that provide access to the cavity. Because the trap assembly of Celestine does not provide access to the cavity, claim 12 is not anticipated by Celestine and it is respectfully requested that claim 12 be allowed.

Because claim 13 depends upon claim 12, claim 13 is also not anticipated by Celestine and it is respectfully requested that claim 13 be allowed.

The Examiner has rejected claims 2, 4-6, 8, 9, 11, and 14-48 under 35 U.S.C. 103(a) as being unpatentable over Celestine.

Because claim 1 is not anticipated by Celestine and is therefore allowable, claims 2 and 4-6, which depend upon claim 1, are also allowable.

Regarding claim 4, the Examiner equates the ramp 14 including a friction surface 18 of Celestine with the climbing assisting members. It is respectfully submitted that Celestine neither

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teaches nor suggests the climbing assisting members as claimed. The climbing assisting members interconnect the floor portion and the elevated trap assembly and are positioned and enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides. Because the climbing assisting members are enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The elevated trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. The climbing assisting members assist the rodent in accessing the elevated trap assembly and entering the cavity. The elevated trap assembly, and therefore the cavity, is protected from contaminants by the wall portion, the front portion, the floor portion, the top portion, and the sides, which enclose the climbing assisting members. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine. Therefore, claim 4 is not obvious in view of Celestine.

Regarding claims 6 and 9, the Examiner states it would have been obvious to disguise the rodent trap of Celestine to have an appearance of a vent as is well known in the art for the purpose of keeping people away from it. Applicants respectfully disagree. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Also, if the proposed modification would change the principle of operation of the prior art invention being modified, then the teaching of the reference is not sufficient to render the claims obvious. Applicants respectfully submit that if the rodent trap of Celestine were to be operatively connected to a building and include a vent-like appearance, the rodent trap of Celestine would have to be completely redesigned so as to not interfere with the operation of the rodent trap. For example, if the back wall 13 included a vent-like appearance, the front wall 14 would have to be operatively connected to a building, which would not allow for the front wall 14 to be opened to

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form the ramp 14. Alternatively, if the side wall 12 proximate the trap door drive pulley 34 included a vent-like appearance, the opposite side wall 12 would have to be operatively connected to a building, which would not allow for the rodent box 40 to be removed from the insertion opening. Simply including a vent-like appearance with the rodent trap of Celestine is not possible without completely redesigning the rodent trap. Because Celestine neither teaches nor suggests a rodent trap configured and arranged to resemble a vent operatively connected to a wall, claims 6 and 9 are not obvious in view of Celestine and it is respectfully requested that claims 6 and 9 be allowed.

Regarding claim 8, which has been amended to recite that the cavity is configured and arranged to contain a rodent between the base and the cover, Applicants respectfully submit that the interior 15 exposed by the swinging front wall/ramp 14 and the insertion opening 18 of Celestine do not allow the cavity to contain a rodent between the base and the cover because the rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent between the base and the cover because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. In fact, this teaches away from having a cavity configured and arranged to contain a rodent. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent between the base and the cover because the insertion opening 18 is open. This also teaches away from having a cavity configured and arranged to contain a rodent. Because the cavity of Celestine is not configured and arranged to contain a rodent between the base and the cover, claim 8 is not obvious in view of Celestine and it is respectfully requested that claim 8 be allowed.

Further, claim 8 recites that the trap assembly provides access to the cavity. In Celestine, it is the front wall/ramp 14 and the insertion opening 18 that provide access to the cavity.

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Because the trap assembly of Celestine does not provide access to the cavity, claim 8 is not obvious in view of Celestine and it is respectfully requested that claim 8 be allowed.

Because claims 9 and 11 depend upon claim 8, claims 9 and 11 are also not obvious in view of Celestine and it is respectfully requested that claims 9 and 11 be allowed.

Because claim 12 is not anticipated by Celestine and is therefore allowable, claims 14-17, which depend upon claim 12, are also allowable.

Regarding claim 16, the Examiner equates the ramp 14 including a friction surface 18 of Celestine with the climbing assisting members. It is respectfully submitted that Celestine neither teaches nor suggests the climbing assisting members as claimed. The climbing assisting members are positioned and enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides. Because the climbing assisting members are enclosed between the wall portion and the front portion, between the floor portion and the top portion, and between the sides, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The climbing assisting members interconnect the housing and the elevated trap assembly and assist the rodent in accessing the trap assembly and entering the cavity. The trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity. The elevated trap assembly, and therefore the cavity, is protected from contaminants by the wall portion, the front portion, the floor portion, the top portion, and the sides, which enclose the climbing assisting members. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine. Therefore, claim 16 is not obvious in view of Celestine.

Regarding claim 18, which has been amended to recite that the housing encloses the cavity to contain a rodent within the cavity, Applicants respectfully submit that the housing of Celestine does not allow the rodent to be contained within the cavity. The rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18 of the

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housing. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, Celestine does not include a housing that encloses the cavity to contain a rodent in the cavity because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. In fact, this teaches away from containing a rodent within the cavity. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, Celestine does not include a housing that encloses the cavity to contain a rodent because the insertion opening 18 is open. This also teaches away from containing a rodent within the cavity. Because the housing of Celestine does not enclose the cavity to contain a rodent, claim 18 is not obvious in view of Celestine and it is respectfully requested that claim 18 be allowed.

Further, claim 18 recites that the trap assembly provides access to the cavity. In Celestine, it is the front wall/ramp 14 and the insertion opening 18 that provide access to the cavity. Because the trap assembly of Celestine does not provide access to the cavity, claim 18 is not obvious in view of Celestine and it is respectfully requested that claim 18 be allowed.

Because claims 19-22 depend upon claim 18, claims 19-22 are also not obvious in view of Celestine and it is respectfully requested that claims 19-22 be allowed.

Regarding claim 23, it is recited that the cover and the base are configured and arranged to resemble a vent operatively connected to a wall. As the Examiner states with regard to claims 6 and 9, which recite similar features, it would have been obvious to disguise the rodent trap of Celestine to have an appearance of a vent as is well known in the art for the purpose of keeping people away from it. Applicants respectfully disagree. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Also, if the proposed modification would change the principle of operation of the prior art invention being modified, then the teaching of the reference is not sufficient to render the claims obvious. Applicants respectfully submit that if the rodent trap of Celestine were to be operatively connected to a wall

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and resemble a vent, the rodent trap of Celestine would have to be completely redesigned so as to not interfere with the operation of the rodent trap. For example, if the back wall 13 resembled a vent, the front wall 14 would have to be operatively connected to a wall, which would not allow for the front wall 14 to be opened to form the ramp 14. Alternatively, if the side wall 12 proximate the trap door drive pulley 34 resembled a vent, the opposite side wall 12 would have to be operatively connected to a wall, which would not allow for the rodent box 40 to be removed from the insertion opening. Making the rodent trap of Celestine resemble a vent is not possible without completely redesigning the rodent trap. Because Celestine neither teaches nor suggests a rodent trap configured and arranged to resemble a vent operatively connected to a wall, claim 23 is not obvious in view of Celestine and it is respectfully requested that claim 23 be allowed.

Further, claim 23 recites that the trap assembly provides access to the cavity. In Celestine, it is the front wall/ramp 14 and the insertion opening 18 that provide access to the cavity. Because the trap assembly of Celestine does not provide access to the cavity, claim 23 is not obvious in view of Celestine and it is respectfully requested that claim 23 be allowed.

Because claims 24-28 depend upon claim 23, claims 24-28 are also not obvious in view of Celestine and it is respectfully requested that claims 24-28 be allowed.

Regarding claim 29, which recites that the base and the cover cooperate to define the cavity between the wall portion and the front portion and the cavity is configured and arranged to contain a rodent, Applicants respectfully submit that the interior 15 exposed by the swinging front wall/ramp 14 and the insertion opening 18 of Celestine do not allow the cavity to contain a rodent between the base and the cover because the rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. In fact, this teaches away from having a cavity configured and arranged to contain a

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rodent. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent because the insertion opening 18 is open. This also teaches away from having a cavity configured and arranged to contain a rodent. Because the cavity of Celestine is not configured and arranged to contain a rodent, claim 29 is not obvious in view of Celestine and it is respectfully requested that claim 29 be allowed.

Further, claim 29 recites that the trap assembly, which is elevated by the platform, provides an only entrance into the cavity. The elevated trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. Also, claim 29 recites that the climbing assisting members extend at an upward angle proximate the floor portion and the opening in the cover to the platform, which is operatively connected to the wall portion within the cavity. Therefore, the climbing assisting members are substantially contained within the rodent trap and are not extending outward from the rodent trap as in Celestine. The climbing assisting members allow the rodent to climb from the floor portion to the platform and then enter the cavity through the trap assembly. The elevated trap assembly, and the substantially contained climbing assisting members to the elevated trap assembly, assist in preventing contaminants from entering the trap assembly and therefore the cavity. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine. Therefore, claim 29 is not obvious in view of Celestine.

Because claims 30-36 depend upon claim 29, claims 30-36 are also not obvious in view of Celestine and it is respectfully requested that claims 30-36 be allowed.

Regarding claim 37, it is recited that the climbing assisting members interconnect the floor portion and the elevated platform, which is contained within the cavity. Therefore, the climbing assisting members are contained within the cavity. It is respectfully submitted that

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Celestine neither teaches nor suggests the climbing assisting members as claimed. Because the climbing assisting members interconnect the floor portion and the elevated portion and are contained within the cavity, the climbing assisting members are not extending outward from the rodent trap as in Celestine. Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. The opened and closed positions of the front wall/ramp 14 teach away from having the climbing assisting members contained within the cavity. Therefore, claim 37 is not obvious in view of Celestine.

Further, claim 37 recites that the base, the cover, and the elevated platform assist in preventing contaminants from entering the trap assembly and the cavity. In Celestine, the swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine. Therefore, claim 37 is not obvious in view of Celestine.

Because claims 38-42 depend upon claim 37, claims 38-42 are also not obvious in view of Celestine and it is respectfully requested that claims 38-42 be allowed.

Regarding claim 43, which recites that the cavity is configured and arranged to contain a rodent, Applicants respectfully submit that the interior 15 exposed by the swinging front wall/ramp 14 and the insertion opening 18 of Celestine do not allow the cavity to contain a rodent because the rodent could escape from the cavity through the swinging front wall/ramp 14 and the insertion opening 18. With regard to the upper portion of the cavity, Celestine discloses in column 3, lines 40-42 that the ramp 14 includes a hinge 19 which allows the ramp 14 to be either opened when the trap is in use or closed when the trap is not in use. In this aspect, Celestine does not include a cavity configured and arranged to contain a rodent because the front wall/ramp 14 is opened to allow access to the cavity when the trap is in use. In fact, this teaches away from having a cavity configured and arranged to contain a rodent. With regard to the lower portion of the cavity, the insertion opening 18 is an opening in the side wall 12 to allow for the insertion and the removal of the rodent box 40 from the housing. In this aspect, Celestine does

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not include a cavity configured and arranged to contain a rodent because the insertion opening 18 is open. This also teaches away from having a cavity configured and arranged to contain a rodent. Because the cavity of Celestine is not configured and arranged to contain a rodent, claim 43 is not obvious in view of Celestine and it is respectfully requested that claim 43 be allowed.

Further, claim 43 recites that the trap assembly provides an only entrance into the cavity thereby hindering contaminants from entering the cavity through the elevated trap assembly. In Celestine, the front wall/ramp 14 and the opening 18 provide entrances into the cavity. The swinging front wall/ramp 14 fully exposes the upper portion of the cavity and the trap door 30 thereby allowing contaminants to enter the upper portion of the cavity and the trap door 30, which allows contaminants to enter the lower portion of the cavity. There is nothing to protect against contaminants in Celestine. Therefore, claim 43 is not obvious in view of Celestine.

Because claims 44-48 depend upon claim 43, claims 44-48 are also not obvious in view of Celestine and it is respectfully requested that claims 44-48 be allowed.

The Examiner has rejected claims 3 and 10 under 35 U.S.C. 103(a) as being unpatentable over Celestine as applied to claim 1 and further in view of Denny et al. Because claim 3 depends upon claim 1, which Applicants respectfully request be allowed, it is respectfully requested that claim 3 be allowed. Because claim 10 depends upon claim 8, which Applicants respectfully request be allowed, it is respectfully requested that claim 10 be allowed.

Favorable consideration of this Amendment is respectfully requested. Should the Examiner wish to discuss this matter, the Examiner is welcome to contact the under-signed representative for the Applicants.

Respectfully submitted,
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